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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/835,827      | 04/16/2001  | Michael S. Reedy     | 1580-2              | 5541             |

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04/02/2003

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EXAMINER

OCAMPO, MARIANNE S

ART UNIT

PAPER NUMBER

1723

DATE MAILED: 04/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/835,827

Applicant(s)

REEDY, MICHAEL S.

Examiner

Marianne S. Ocampo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11, 14, 15 and 18-20 is/are allowed.
- 6) ☒ Claim(s) 12, 13 and 16 is/are rejected.
- 7) ☒ Claim(s) 17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 12 - 13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Plaisier (WO 95/19214).

3. Concerning claim 12, Stafford discloses a (split) filter leaf element (here, the term “split leaf element” has been considered to be broadly including any leaf filter element without any specific configuration and/or size and capable of being used in a split leaf filter assembly and merely identifying only one of the two split leaf elements which are placed in adjacent and mating arrangement in a split leaf assembly of a split leaf filter) capable of use in forming a split leaf assembly in a split leaf filter, said split leaf element comprising a first edge section adapted with (the term “adapted with” here has been considered to have the same meaning as the conventional claim terminology “having”) means for mounting (3) [Note that this limitation “means for mounting the split leaf filter element to an outlet manifold of the split leaf filter has

been considered to be equivalent in structure **only to the filtrate discharge nozzles 100**, since there are no other structures defined or disclosed in the original specification for other equivalent structures] the split leaf filter *element* to an outlet manifold (4) of a split leaf filter, a second edge section generally parallel to the first edge section and adapted with means for mounting (7) the split leaf filter *element* to a vibrator bar (not shown) in a split leaf filter, a third edge section (either one of the two vertical sides joining the first and second edge sections) adapted with means for interconnecting (in the form of clips at side corners thereof) the split leaf filter element with a third edge section of another split leaf filter element of an adjacent (placed above or below therefrom) split leaf assembly in a split leaf filter, and a fourth edge section (one of the two vertical sides joining the first and second edge sections and opposite the one chosen as the third edge section) that is adaptable to be arranged in adjacent parallel relationship along a substantial entirety thereof with a corresponding fourth edge section of a mating split leaf filter element (like itself) of a common split leaf filter assembly, as in fig. 1 and in page 3. In claims 12 - 13, the examiner has considered only the subcombination of a single split leaf filter element and not the combination with another (mating) split leaf filter element to form a split leaf assembly, as well as not including the split leaf assembly nor the split leaf filter (whole apparatus).

4. With regards to claim 13, Plaisier further discloses the first edge section having a filtrate discharge nozzle (3) thereto (i.e. the means for connecting) for connection to an/the outlet manifold of a split leaf filter.

5. Regarding claim 16, Plaisier also discloses the third edge section having at least one leaf spacer tab (U-shaped clips) mounted thereto and the at least one spacer tab having at least one aperture therein capable of receiving a leaf spacer bar that interconnects a set of split leaf assemblies in a split leaf filter, as in fig. 1.

*Response to Arguments and Amendments*

6. Applicant's arguments, see Paper no. 9, filed 1-3-03 with respect to the rejections of claims 12 – 13 under 35 USC 103 (a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection under 35 USC 102 (b) presented above, is made in view of the prior art, Plaisier (WO 95/19214). Applicant's amendment necessitated the new ground of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

*Allowable Subject Matter*

8. Claim 17 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 1 – 11, 14 - 15 and 18 - 20 has been indicated to contain allowable subject matter (see Last office action, paper no. 7 sent to the applicant on 8-26-02).

9. The following is a statement of reasons for the indication of allowable subject matter: the closest prior art include Stafford (US 2,885,082) and Plaisier (WO 95/19214). However, none of these prior art and those searched have disclosed or rendered obvious a split leaf filter having the limitations of split leaf assemblies comprising at least two split leaf elements arranged in coplanar relationship, wherein each leaf element having a second edge section generally parallel to a first edge section which is connected to the at least one outlet manifold in the filter shell and a vibrator bar disposed in the filter shell and the second edge section of each split leaf element being connected to the vibrator bar, as recited in claim 1, and a split leaf filter element having the limitation of the (at least one) spacer tab having plural apertures therein for receiving plural leaf spacer bars that join two of the interconnected sets of split leaf filter assemblies, as in claim 17, and a split leaf assembly kit comprising a pair of split leaf elements wherein each split

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leaf element has one or more leaf spacer bars, a stud secured to a second edge section thereof and adapted for connection to a top retainer member and a spacer tab secured to a third edge section thereof wherein the spacer tab is apertured to receive a leaf spacer bar, as in claim 18 and a split leaf filter having the limitations of a filter shell, a vibrator bar extending longitudinally in the filter shell, a longitudinal array of parallel spaced split leaf element pairs disposed in the filter shell wherein each split leaf element pair having two symmetrical split leaf elements arranged in coplanar side by side relationship at mutually adjacent edge sections thereof and each split leaf element having a retainer stud extending from a second edge section thereof, a top retainer removably mounted to the retainer stud and being centrally connected to the vibrator bar, as in claim 20.

### *Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo whose telephone number is (703) 305-1039. The examiner can normally be reached on Mondays to Fridays from 8:00 A.M. to 4:30 P.M..

11. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on (703) 308-0457. The fax phone numbers for the


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organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

12. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
M.S.O.

March 21, 2003

  
W. L. WALKER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700